

2016-CV11952

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

**VERONICA RAMIREZ
611 N.E. NEWPORT DRIVE
LEE'S SUMMIT, MISSOURI 64064**

Plaintiff,

-vs-

**COSTCO WHOLESALE CORPORATION
D/B/A COSTCO WHOLESALE #373
19040 E. Valley View Parkway
Independence, MO 64055-7004**

**Serve Registered Agent at:
C T CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105**

Defendant.

**Case No.
Division:**

PLAINTIFF'S PETITION FOR PERSONAL INJURIES

COMES NOW Plaintiff Veronica Ramirez, by and through her counsel Kirby L. Minor, and for her cause of action against Defendant Costco Wholesale Corporation DBA Costco Wholesale #373, states and alleges as follows:

1. That Plaintiff, Veronica Ramirez, is at all times mentioned herein a resident of Lee's Summit, Jackson County, Missouri, with her residence at 611 N.E. Newport Drive, Lee's Summit, Missouri, 64064.

2. That Defendant Costco Wholesale Corporation (hereinafter referred to as ("Costco")) at all times mentioned herein, is a Washington corporation in good standing, registered as a foreign corporation in Missouri, with a principal place of business at 19040 E. Valley View Parkway, Independence, MO 64055-7004, and is engaged in the business of selling

goods in its membership-only warehouse clubs.

3. That the Defendant Costco is a company whose primary place of business is in Jackson County, Missouri, and thereby venue and jurisdiction is proper in said county and state.

4. That Plaintiff, on or about June 14, 2015, entered the Costco at 19040 E. Valley View Parkway, Independence, MO.

5. That at the aforesaid place, the Plaintiff, upon exiting the Defendant's restroom, slipped and fell on a pool of liquid outside of the Defendant's restroom and as a result the floor was not reasonably safe.

6. That Defendant Costco carelessly and negligently as hereinafter more specifically alleged failed to ensure the pathway in and out of the restroom was free of any hazardous substances which would cause the Plaintiff to slip and fall.

7. That Defendant Costco knew or by using ordinary care could have known of this condition.

8. That the Defendant Costco owed a duty to the Plaintiff to exercise a reasonable and ordinary degree of care in the making the premises safe in the operation of the warehouse club.

9. The Defendant Costco breached this duty of care owed to the Plaintiff and was thereby negligent in the maintenance of its warehouse club in one or more of the following manners and respects:

- a. Defendant Costco failed to keep a safe and properly maintained floor;
- b. Defendant Costco failed to ensure the floor was free of any hazardous substances which would cause the Plaintiff to slip and fall;
- c. Defendant Costco failed to use ordinary care to warn of the hazardous substance;

d. Defendant Costco failed to use ordinary care by removing the liquid from the normal walkway to and from the restrooms.

e. Defendant Costco knew or by the use of a reasonable degree of care could have known that there was a reasonable likelihood an injury would occur if the floor was not properly maintained, but Defendant failed to do so;

f. Conduct of the Defendant Costco is of the type and nature that does not ordinarily happen when the person in control, the Defendant herein, uses and exercises a reasonable degree of care, and from the facts of such occurrence and the reasonable inferences therefrom, such occurrence was directly caused by the Defendant's negligence.

10. That the breach of duty of care by Defendant Costco was the actual and proximate cause of the Plaintiff's injuries.

11. That as a direct and proximate result of the negligence of the Defendant Costco as described aforesaid, the Plaintiff sustained the following injuries, to wit: left knee trauma whereby ligaments therein were bruised, jerked, contused, twisted, injured and damaged, and of which all of the foregoing injuries are permanent, chronic, painful, and progressive in nature.

12. That as a direct result of such negligence of Defendant Costco, Plaintiff sustained damages.

13. That as a direct and proximate result of the negligence of the Defendant Costco as described aforesaid, the Plaintiff was required to seek medical care at cost of Twenty-One Thousand, Four Hundred, Two and Forty-Six One Hundredths Dollars (\$21,402.46) for the same.

14. That as a direct and proximate result of the negligence of the Defendant Costco as described aforesaid, the Plaintiff will be reasonably likely to incur additional medical expenses

and sums for hospital and medical care and treatment in the future in an amount that is unknown at this time.

15. That as a direct and proximate result of the negligence of the Defendant Costco as described aforesaid, the Plaintiff has suffered injuries, which injuries are permanent and progressive in nature and extent.

WHEREFORE, Plaintiff prays for judgment against the Defendant Costco in an amount that is fair and reasonable for the injuries that she sustained; for an amount that is fair and reasonable for the permanent injuries that the Plaintiff suffered which injuries are permanent and progressive as a result thereof; for her attorneys fees and other costs herein incurred and expended; and for such other relief as the Court deems just under the circumstances.

Respectfully submitted,

LAW OFFICE OF KIRBY L. MINOR, LLC

/s/Kirby L. Minor
By: Kirby L. Minor, MO Bar #58838
282 NE Tudor Rd.
Lee's Summit, MO 64086
(816) 888-0632
(816) 524-8149 fax
attorney@kirbyminor.com
ATTORNEY FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

VERONICA RAMIREZ,

PLAINTIFF(S),

VS.

**CASE NO. 2016-CV11952
DIVISION 17**

COSTCO WHOLESALE CORPORATION,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **CORY LEE ATKINS** on **01-SEP-2020** in **DIVISION 17** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ CORY LEE ATKINS

CORY LEE ATKINS, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

KIRBY L MINOR, 221 W LEXINGTON AVE, STE 103, INDEPENDENCE, MO 64050

Defendant(s):

COSTCO WHOLESALE CORPORATION

Dated: 15-MAY-2020

MARY A. MARQUEZ
Court Administrator




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

| | |
|---|--|
| Judge or Division: CORY LEE ATKINS | Case Number: 2016-CV11952 |
| Plaintiff/Petitioner: VERONICA RAMIREZ | Plaintiff's/Petitioner's Attorney/Address KIRBY L MINOR 221 W LEXINGTON AVE, STE 103 INDEPENDENCE, MO 64050 |
| vs. | |
| Defendant/Respondent: COSTCO WHOLESALE CORPORATION DBA: COSTCO WHOLESALE #373 | Court Address: 308 W Kansas INDEPENDENCE, MO 64050 |
| Nature of Suit: CC Pers Injury-Other | |

(Date File Stamp)

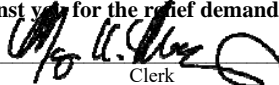
Summons in Civil Case

The State of Missouri to: COSTCO WHOLESALE CORPORATION
Alias:
DBA: COSTCO WHOLESALE #373
RA: CT CORPORATION SYSTEM
 120 SOUTH CENTRAL AVENUE
 CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

15-MAY-2020
 Date


 Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

| | |
|---|--|
| Judge or Division: CORY LEE ATKINS | Case Number: 2016-CV11952 |
| Plaintiff/Petitioner: VERONICA RAMIREZ | Plaintiff's/Petitioner's Attorney/Address KIRBY L MINOR 221 W LEXINGTON AVE, STE 103 INDEPENDENCE, MO 64050 |
| Defendant/Respondent: COSTCO WHOLESALE CORPORATION DBA: COSTCO WHOLESALE #373 | Court Address: 308 W Kansas INDEPENDENCE, MO 64050 |
| Nature of Suit: CC Pers Injury-Other | (Date File Stamp) |

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Alias:
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 120 SOUTH CENTRAL AVENUE
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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

LCW - A. BRANDON

(name) **INTAKE SPECIALIST** (title).

☐ other **CT CORPORATION** (address)

Served at **St. Louis County** (County/City of St. Louis), MO, on **JUN 04 2020** (date) at **9 AM** (time).

LEISINGER
 Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date

Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$ _____
 Mileage \$ _____ (_____ miles @ \$_____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

St Louis County
JUN 04 2020
IN TAKE SPECIALIST
MA 9



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Return 5B
6/14

| | |
|---|--|
| Judge or Division: CORY LEE ATKINS | Case Number: 2016-CV11952 |
| Plaintiff/Petitioner: VERONICA RAMIREZ | Plaintiff's/Petitioner's Attorney/Address KIRBY L MINOR 221 W LEXINGTON AVE, STE 103 INDEPENDENCE, MO 64050 |
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Non Est \$ _____

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Mileage \$ _____

Total \$ _____

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6/12/20

20-SMCC-5095

St Louis County
JUN 4 2020
9 AM
CIVIL - A BRANDON
INTAKE SPECIALIST